

1 **TITLE II—NATIONAL CENTER**
2 **FOR SPECIAL EDUCATION RE-**
3 **SEARCH**

4 **SEC. 201. NATIONAL CENTER FOR SPECIAL EDUCATION RE-**
5 **SEARCH.**

6 (a) AMENDMENT.—The Education Sciences Reform
7 Act of 2002 (20 U.S.C. 9501 et seq.) is amended—

8 (1) by redesignating part E as part F; and

9 (2) by inserting after part D the following:

10 **“PART E—NATIONAL CENTER FOR SPECIAL**
11 **EDUCATION RESEARCH**

12 **“SEC. 175. ESTABLISHMENT.**

13 “(a) ESTABLISHMENT.—There is established in the
14 Institute a National Center for Special Education Re-
15 search (in this part referred to as the ‘Special Education
16 Research Center’).

17 “(b) MISSION.—The mission of the Special Edu-
18 cation Research Center is—

19 “(1) to sponsor research to expand knowledge
20 and understanding of the needs of infants, toddlers,
21 and children with disabilities in order to improve the
22 developmental, educational, and transitional results
23 of such individuals;

24 “(2) to sponsor research to improve services
25 provided under, and support the implementation of,

1 the Individuals with Disabilities Education Act (20
2 U.S.C. 1400 et seq.); and

3 “(3) to evaluate the implementation and effec-
4 tiveness of the Individuals with Disabilities Edu-
5 cation Act in coordination with the National Center
6 for Education Evaluation and Regional Assistance.

7 “(c) APPLICABILITY OF EDUCATION SCIENCES RE-
8 FORM ACT OF 2002.—Parts A and F, and the standards
9 for peer review of applications and for the conduct and
10 evaluation of research under sections 133(a) and 134, re-
11 spectively, shall apply to the Secretary, the Director, and
12 the Commissioner in carrying out this part.

13 **“SEC. 176. COMMISSIONER FOR SPECIAL EDUCATION RE-**
14 **SEARCH.**

15 “The Special Education Research Center shall be
16 headed by a Commissioner for Special Education Research
17 (in this part referred to as the ‘Special Education Re-
18 search Commissioner’) who shall have substantial knowl-
19 edge of the Special Education Research Center’s activities,
20 including a high level of expertise in the fields of research,
21 research management, and the education of children with
22 disabilities.

23 **“SEC. 177. DUTIES.**

24 “(a) GENERAL DUTIES.—The Special Education Re-
25 search Center shall carry out research activities under this

1 part consistent with the mission described in section
2 175(b), such as activities that—

3 “(1) improve services provided under the Indi-
4 viduals with Disabilities Education Act in order to
5 improve—

6 “(A) academic achievement, functional out-
7 comes, and educational results for children with
8 disabilities; and

9 “(B) developmental outcomes for infants
10 or toddlers with disabilities;

11 “(2) identify scientifically based educational
12 practices that support learning and improve aca-
13 demic achievement, functional outcomes, and edu-
14 cational results for all students with disabilities;

15 “(3) examine the special needs of preschool
16 aged children, infants, and toddlers with disabilities,
17 including factors that may result in developmental
18 delays;

19 “(4) identify scientifically based related services
20 and interventions that promote participation and
21 progress in the general education curriculum and
22 general education settings;

23 “(5) improve the alignment, compatibility, and
24 development of valid and reliable assessments, in-
25 cluding alternate assessments, as required by section

1 1111(b) of the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 6311(b));

3 “(6) examine State content standards and alter-
4 nate assessments for students with significant cog-
5 nitive impairment in terms of academic achievement,
6 individualized instructional need, appropriate edu-
7 cation settings, and improved post-school results;

8 “(7) examine the educational, developmental,
9 and transitional needs of children with high inci-
10 dence and low incidence disabilities;

11 “(8) examine the extent to which overidentifica-
12 tion and underidentification of children with disabil-
13 ities occurs, and the causes thereof;

14 “(9) improve reading and literacy skills of chil-
15 dren with disabilities;

16 “(10) examine and improve secondary and post-
17 secondary education and transitional outcomes and
18 results for children with disabilities;

19 “(11) examine methods of early intervention for
20 children with disabilities, including children with
21 multiple or complex developmental delays;

22 “(12) examine and incorporate universal design
23 concepts in the development of standards, assess-
24 ments, curricula, and instructional methods to im-

1 prove educational and transitional results for chil-
2 dren with disabilities;

3 “(13) improve the preparation of personnel, in-
4 cluding early intervention personnel, who provide
5 educational and related services to children with dis-
6 abilities to increase the academic achievement and
7 functional performance of students with disabilities;

8 “(14) examine the excess costs of educating a
9 child with a disability and expenses associated with
10 high cost special education and related services;

11 “(15) help parents improve educational results
12 for their children, particularly related to transition
13 issues;

14 “(16) address the unique needs of children with
15 significant cognitive disabilities; and

16 “(17) examine the special needs of limited
17 English proficient children with disabilities.

18 “(b) STANDARDS.—The Special Education Research
19 Commissioner shall ensure that activities assisted under
20 this section—

21 “(1) conform to high standards of quality, in-
22 tegrity, accuracy, validity, and reliability;

23 “(2) are carried out in accordance with the
24 standards for the conduct and evaluation of all re-

1 search and development established by the National
2 Center for Education Research; and

3 “(3) are objective, secular, neutral, and non-
4 ideological, and are free of partisan political influ-
5 ence, and racial, cultural, gender, regional, or dis-
6 ability bias.

7 “(c) PLAN.—The Special Education Research Com-
8 missioner shall propose to the Director a research plan,
9 developed in collaboration with the Assistant Secretary for
10 Special Education and Rehabilitative Services, that—

11 “(1) is consistent with the priorities and mis-
12 sion of the Institute and the mission of the Special
13 Education Research Center;

14 “(2) is carried out, updated, and modified, as
15 appropriate;

16 “(3) is consistent with the purposes of the Indi-
17 viduals with Disabilities Education Act;

18 “(4) contains an appropriate balance across all
19 age ranges and types of children with disabilities;

20 “(5) provides for research that is objective and
21 uses measurable indicators to assess its progress and
22 results; and

23 “(6) is coordinated with the comprehensive plan
24 developed under section 681 of the Individuals with
25 Disabilities Education Act.

1 “(d) GRANTS, CONTRACTS, AND COOPERATIVE
2 AGREEMENTS.—

3 “(1) IN GENERAL.—In carrying out the duties
4 under this section, the Director may award grants
5 to, or enter into contracts or cooperative agreements
6 with, eligible applicants.

7 “(2) ELIGIBLE APPLICANTS.—Activities carried
8 out under this subsection through contracts, grants,
9 or cooperative agreements shall be carried out only
10 by recipients with the ability and capacity to conduct
11 scientifically valid research.

12 “(3) APPLICATIONS.—An eligible applicant that
13 wishes to receive a grant, or enter into a contract or
14 cooperative agreement, under this section shall sub-
15 mit an application to the Director at such time, in
16 such manner, and containing such information as
17 the Director may require.

18 “(e) DISSEMINATION.—The Special Education Re-
19 search Center shall—

20 “(1) synthesize and disseminate, through the
21 National Center for Education Evaluation and Re-
22 gional Assistance, the findings and results of special
23 education research conducted or supported by the
24 Special Education Research Center; and

1 “(2) assist the Director in the preparation of a
2 biennial report, as described in section 119.

3 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this part
5 such sums as may be necessary for each of fiscal years
6 2005 through 2010.”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) AMENDMENTS TO THE TABLE OF CON-
9 TENTS.—The table of contents in section 1 of the
10 Act entitled “An Act to provide for improvement of
11 Federal education research, statistics, evaluation, in-
12 formation, and dissemination, and for other pur-
13 poses”, approved November 5, 2002 (116 Stat.
14 1940; Public Law 107-279), is amended—

15 (A) by redesignating the item relating to
16 part E as the item relating to part F; and

17 (B) by inserting after the item relating to
18 section 174 the following:

“PART E—NATIONAL CENTER FOR SPECIAL EDUCATION RESEARCH

“Sec. 175. Establishment.

“Sec. 176. Commissioner for Special Education Research.

“Sec. 177. Duties.”.

19 (2) EDUCATION SCIENCES REFORM ACT OF
20 2002.—The Education Sciences Reform Act of 2002
21 (20 U.S.C. 9501 et seq.) is amended—

1 (A) in section 111(b)(1)(A) (20 U.S.C.
2 9511(b)(1)(A)), by inserting “and special edu-
3 cation” after “early childhood education”;

4 (B) in section 111(c)(3) (20 U.S.C.
5 9511(c)(3))—

6 (i) in subparagraph (B), by striking
7 “and” after the semicolon;

8 (ii) in subparagraph (C), by striking
9 the period and inserting “; and”; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(D) the National Center for Special Edu-
13 cation Research (as described in part E).”;

14 (C) in section 115(a) (20 U.S.C. 9515(a)),
15 by striking “including those” and all that fol-
16 lows through “such as” and inserting “includ-
17 ing those associated with the goals and require-
18 ments of the Elementary and Secondary Edu-
19 cation Act of 1965 (20 U.S.C. 6301 et seq.),
20 the Individuals with Disabilities Education Act
21 (20 U.S.C. 1400 et seq.), and the Higher Edu-
22 cation Act of 1965 (20 U.S.C. 1001 et seq.),
23 such as”; and

24 (D) in section 116(c)(4)(A)(ii) (20 U.S.C.
25 9516(c)(4)(A)(ii), by inserting “special edu-

1 cation experts,” after “early childhood ex-
2 perts,”.

3 (3) ELEMENTARY AND SECONDARY EDUCATION
4 ACT OF 1965.—Section 1117(a)(3) of the Elementary
5 and Secondary Education Act of 1965 (20 U.S.C.
6 6317(a)(3)) is amended by striking “part E” and in-
7 serting “part D”.

8 **SEC. 202. NATIONAL BOARD FOR EDUCATION SCIENCES.**

9 Section 116(c)(9) of the Education Sciences Reform
10 Act of 2002 (20 U.S.C. 9516(c)(9)) is amended by strik-
11 ing the third sentence and inserting the following: “Meet-
12 ings of the Board are subject to section 552b of title 5,
13 United States Code (commonly referred to as the Govern-
14 ment in the Sunshine Act).”.

15 **SEC. 203. REGIONAL ADVISORY COMMITTEES.**

16 Section 206(d)(3) of the Educational Technical As-
17 sistance Act of 2002 (20 U.S.C. 9605(d)(3)) is amended
18 by striking “Academy” and inserting “Institute”.

19 **TITLE III—MISCELLANEOUS**
20 **PROVISIONS**

21 **SEC. 301. AMENDMENT TO CHILDREN’S HEALTH ACT OF**
22 **2000.**

23 Section 1004 of the Children’s Health Act of 2000
24 (42 U.S.C. 285g note) is amended—

1 (1) in subsection (b), by striking “Agency” and
2 inserting “Agency, and the Department of Edu-
3 cation”; and

4 (2) in subsection (c)—

5 (A) in paragraph (2), by striking “and”
6 after the semicolon;

7 (B) in paragraph (3), by striking the pe-
8 riod at the end and inserting “; and”; and

9 (C) by adding at the end the following:

10 “(4) be conducted in compliance with section
11 444 of the General Education Provisions Act (20
12 U.S.C. 1232g), including the requirement of prior
13 parental consent for the disclosure of any education
14 records, except without the use of authority or ex-
15 ceptions granted to authorized representatives of the
16 Secretary of Education for the evaluation of Feder-
17 ally-supported education programs or in connection
18 with the enforcement of the Federal legal require-
19 ments that relate to such programs.”.

20 **SEC. 302. EFFECTIVE DATES.**

21 (a) PARTS A, B, AND C, AND SUBPART 1 OF PART
22 D.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), parts A, B, and C, and subpart 1 of part
25 D, of the Individuals with Disabilities Education

1 Act, as amended by title I, shall take effect on July
2 1, 2005.

3 (2) HIGHLY QUALIFIED DEFINITION.—Sub-
4 paragraph (A), and subparagraphs (C) through (F),
5 of section 602(10) of the Individuals with Disabil-
6 ities Education Act, as amended by title I, shall take
7 effect on the date of enactment of this Act for pur-
8 poses of the Elementary and Secondary Education
9 Act of 1965.

10 (b) SUBPARTS 2, 3, AND 4 OF PART D.—Subparts 2,
11 3, and 4 of part D of the Individuals with Disabilities
12 Education Act, as amended by title I, shall take effect on
13 the date of enactment of this Act.

14 (c) EDUCATION SCIENCES REFORM ACT OF 2002.—

15 (1) NATIONAL CENTER FOR SPECIAL EDU-
16 CATION RESEARCH.—Sections 175, 176, and 177
17 (other than section 177(c)) of the Education
18 Sciences Reform Act of 2002, as enacted by section
19 201(a)(2) of this Act, shall take effect on the date
20 of enactment of this Act.

21 (2) PLAN.—Section 177(c) of the Education
22 Sciences Reform Act of 2002, as enacted by section
23 201(a)(2) of this Act, shall take effect on October 1,
24 2005.

1 **SEC. 303. TRANSITION.**

2 (a) ORDERLY TRANSITION.—

3 (1) IN GENERAL.—The Secretary of Education
4 (in this section referred to as “the Secretary”) shall
5 take such steps as are necessary to provide for the
6 orderly transition from the Individuals with Disabil-
7 ities Education Act, as such Act was in effect on the
8 day preceding the date of enactment of this Act, to
9 the Individuals with Disabilities Education Act and
10 part E of the Education Sciences Reform Act of
11 2002, as amended by this Act.

12 (2) LIMITATION.—The Secretary’s authority in
13 paragraph (1) shall terminate 1 year after the date
14 of enactment of this Act.

15 (b) MULTI-YEAR AWARDS.—Notwithstanding any
16 other provision of law, the Secretary may use funds appro-
17 priated under part D of the Individuals with Disabilities
18 Education Act to make continuation awards for projects
19 that were funded under section 618, and part D, of the
20 Individuals with Disabilities Education Act (as such sec-
21 tion and part were in effect on September 30, 2004), in
22 accordance with the terms of the original awards.

23 (c) RESEARCH.—Notwithstanding section 302(b) or
24 any other provision of law, the Secretary may award funds
25 that are appropriated under the Department of Education
26 Appropriations Act, 2005 for special education research

1 under either of the headings “SPECIAL EDUCATION” or
2 “INSTITUTE OF EDUCATION SCIENCES” in accordance
3 with sections 672 and 674 of the Individuals with Disabil-
4 ities Education Act, as such sections were in effect on Oc-
5 tober 1, 2004.

6 **SEC. 304. REPEALER.**

7 Section 644 of the Individuals with Disabilities Edu-
8 cation Act, as such section was in effect on the day before
9 the enactment of this Act, is repealed.

10 **SEC. 305. IDEA TECHNICAL AMENDMENTS TO OTHER LAWS.**

11 (a) TITLE 10.—Section 2164(f) of title 10, United
12 States Code is amended—

13 (1) in paragraph (1)(B)—

14 (A) by striking “infants and toddlers” each
15 place the term appears and inserting “infants
16 or toddlers”;

17 (B) by striking “part H” and inserting
18 “part C”; and

19 (C) by striking “1471” and inserting
20 “1431”; and

21 (2) in paragraph (3)—

22 (A) in subparagraph (A)—

23 (i) by striking “602(a)(1)” and insert-
24 ing “602”; and

1 (ii) by striking “1401(a)(1)” and in-
2 serting “1401”;

3 (B) by striking subparagraph (B);

4 (C) by redesignating subparagraph (C) as
5 subparagraph (B); and

6 (D) in subparagraph (B) (as so redesign-
7 nated)—

8 (i) by striking “and toddlers” and in-
9 serting “or toddlers”;

10 (ii) by striking “672(1)” and inserting
11 “632”; and

12 (iii) by striking “1472(1)” and insert-
13 ing “1432”.

14 (b) DEFENSE DEPENDENTS EDUCATION ACT OF
15 1978.—Section 1409(c)(2) of the Defense Dependents
16 Education Act of 1978 (20 U.S.C. 927(c)(2)) is
17 amended—

18 (1) by striking “677” and inserting “636”; and

19 (2) by striking “part H” and inserting “part
20 C”.

21 (c) HIGHER EDUCATION ACT OF 1965.—The Higher
22 Education Act of 1965 (20 U.S.C. 1001 et seq.) is
23 amended—

1 (1) in section 465(a)(2)(C) (20 U.S.C.
2 1087ee(a)(2)(C), by striking “Individuals With” and
3 inserting “Individuals with” and;

4 (2) in section 469(c) (20 U.S.C. 1087ii(c)), by
5 striking “602(a)(1) and 672(1)” and inserting “602
6 and 632”.

7 (d) EDUCATION OF THE DEAF ACT.—The matter
8 preceding subparagraph (A) of section 104(b)(2) of the
9 Education of the Deaf Act (20 U.S.C. 4304(b)(2)) is
10 amended by striking “618(a)(1)(A)” and inserting
11 “618(a)(1)”.

12 (e) GOALS 2000: EDUCATE AMERICA ACT.—Section
13 3(a)(9) of the Goals 2000: Educate America Act (20
14 U.S.C. 5802(a)(9)) is amended by striking “602(a)(17)”
15 and inserting “602”.

16 (f) SCHOOL-TO-WORK OPPORTUNITIES ACT OF
17 1994.—Section 4(15) of the School-to-Work Opportuni-
18 ties Act of 1994 (20 U.S.C. 6103(15)) is amended—

19 (1) by striking “602(a)(17)” and inserting
20 “602”; and

21 (2) by striking “1401(17)” and inserting
22 “1401”.

23 (g) ELEMENTARY AND SECONDARY EDUCATION ACT
24 OF 1965.—The Elementary and Secondary Education Act
25 of 1965 (20 U.S.C. 6301 et seq.) is amended—

1 (1) in section 1111(b)(2)(I)(ii) (20 U.S.C.
2 6311(b)(2)(I)(ii)), by striking “612(a)(17)(A)” and
3 inserting “612(a)(16)(A)”;

4 (2) in section 5208 (20 U.S.C. 7221g), by
5 striking “602(11)” and inserting “602”; and

6 (3) in section 5563(b)(8)(C) (20 U.S.C.
7 7273b(b)(8)(C)), by striking “682” and inserting
8 “671”.

9 (h) REHABILITATION ACT OF 1973.—The Rehabilita-
10 tion Act of 1973 (29 U.S.C. 701 et seq.) is amended—

11 (1) in section 101(a)(11)(D)(ii) (29 U.S.C.
12 721(a)(11)(D)(ii)), by striking “(as added by section
13 101 of Public Law 105–17)”;

14 (2) in section 105(b)(1)(A)(ii) (29 U.S.C.
15 725(b)(1)(A)(ii)), by striking “682(a) of the Individ-
16 uals with Disabilities Education Act (as added by
17 section 101 of the Individuals with Disabilities Edu-
18 cation Act Amendments of 1997; Public Law 105–
19 17)” and inserting “671 of the Individuals with Dis-
20 abilities Education Act”;

21 (3) in section 105(c)(6) (29 U.S.C.
22 725(c)(6))—

23 (A) by striking “612(a)(21)” and inserting
24 “612(a)(20)”;

1 (B) by striking “Individual with” and in-
2 serting “Individuals with”; and

3 (C) by striking “(as amended by section
4 101 of the Individuals with Disabilities Edu-
5 cation Act Amendments of 1997; Public Law
6 105–17)”;

7 (4) in section 302(f)(1)(D)(ii) (29 U.S.C. 772
8 (f)(1)(D)(ii)), by striking “(as amended by section
9 101 of the Individuals with Disabilities Education
10 Act Amendments of 1997 (Public Law 105–17))”;

11 (5) in section 303(c)(6) (29 U.S.C.
12 773(c)(6))—

13 (A) by striking “682(a)” and inserting
14 “671”; and

15 (B) by striking “(as added by section 101
16 of the Individuals with Disabilities Education
17 Act Amendments of 1997; Public Law 105–
18 17)”;

19 (6) in section 303(c)(4)(A)(ii) (29 U.S.C.
20 773(c)(4)(A)(ii)), by striking “682(a) of the Individ-
21 uals with Disabilities Education Act (as added by
22 section 101 of the Individuals with Disabilities Edu-
23 cation Act Amendments of 1997; Public Law 105–
24 17)” and inserting “671 of the Individuals with Dis-
25 abilities Education Act”.

1 (i) PUBLIC HEALTH SERVICE ACT.—The Public
2 Health Service Act (42 U.S.C. 201 et seq.) is amended—

3 (1) in section 399A(f) (42 U.S.C. 280d(f), by
4 striking “part H” and inserting “part C”;

5 (2) in section 399(n)(3) (42 U.S.C. 280c–
6 6(n)(3)), by striking “part H” and inserting “part
7 C”;

8 (3) in section 399A(b)(8) (42 U.S.C.
9 280d(b)(8)), by striking “part H” and inserting
10 “part C”;

11 (4) in section 562(d)(3)(B) (42 U.S.C. 290ff–
12 1(d)(3)(B)), by striking “and H” and inserting “and
13 C”; and

14 (5) in section 563(d)(2) (42 U.S.C. 290ff–
15 2(d)(2)), by striking “602(a)(19)” and inserting
16 “602”.

17 (j) SOCIAL SECURITY ACT.—The Social Security Act
18 (42 U.S.C. 301 et seq.) is amended—

19 (1) in section 1903(c) (42 U.S.C. 1396b(c)), by
20 striking “part H” and inserting “part C”; and

21 (2) in section 1915(c)(5)(C)(i) (42 U.S.C.
22 1396n(c)(5)(C)(i)), by striking “(as defined in sec-
23 tion 602(16) and (17) of the Education of the
24 Handicapped Act (20 U.S.C. 1401(16), (17)))” and
25 inserting “(as such terms are defined in section 602

1 of the Individuals with Disabilities Education Act
2 (20 U.S.C. 1401))”.

3 (k) DOMESTIC VOLUNTEER SERVICE ACT OF
4 1973.—Section 211(a) of the Domestic Volunteer Service
5 Act of 1973 (42 U.S.C. 5011(a)) is amended—

6 (1) by striking “part H” and inserting “part
7 C”; and

8 (2) by striking “1471” and inserting “1431”.

9 (l) HEAD START ACT.—The Head Start Act (42
10 U.S.C. 9831 et seq.) is amended—

11 (1) in section 640(a)(5)(C)(iv) (42 U.S.C.
12 9835(a)(5)(C)(iv)), by striking “1445” and inserting
13 “1444”;

14 (2) in section 640(d) (42 U.S.C. 9835(d))—

15 (A) by striking “U.S.C” and inserting
16 “U.S.C.”; and

17 (B) by striking “1445” and inserting
18 “1444”;

19 (3) in section 641(d)(3) (42 U.S.C.
20 9836(d)(3)), by striking “U.S.C 1431–1445” and
21 inserting “U.S.C. 1431–1444”; and

22 (4) in section 642(c) (42 U.S.C. 9837(c)), by
23 striking “1445” and inserting “1444”.

24 (m) NATIONAL AND COMMUNITY SERVICE ACT OF
25 1990.—Section 101(21)(B) of the National and Commu-

1 nity Service Act of 1990 (42 U.S.C. 12511(21)(B)) is
2 amended—

3 (1) by striking “602(a)(1)” and inserting
4 “602”; and

5 (2) by striking “1401(a)(1)” and inserting
6 “1401”.

7 (n) DEVELOPMENTAL DISABILITIES ASSISTANCE
8 AND BILL OF RIGHTS ACT OF 2000.—The Developmental
9 Disabilities Assistance and Bill of Rights Act of 2000 (42
10 U.S.C. 15001 et seq.) is amended—

11 (1) in section 125(c)(5)(G)(i) (42 U.S.C.
12 15025(c)(5)(G)(i)), by striking “subtitle C” and in-
13 serting “part C”; and

14 (2) in section 154(a)(3)(E)(ii)(VI) (42 U.S.C.
15 15064(a)(3)(E)(ii)(VI))—

16 (A) by striking “682 or 683” and inserting
17 “671 or 672”; and

18 (B) by striking “(20 U.S.C. 1482, 1483)”.

19 (o) DISTRICT OF COLUMBIA SCHOOL REFORM ACT
20 OF 1995.—The District of Columbia School Reform Act
21 of 1995 (Public Law 104–134) is amended—

22 (1) in section 2002(32)—

23 (A) by striking “602(a)(1)” and inserting
24 “602”; and

1 (B) by striking “1401(a)(1)” and inserting
2 “1401”;

3 (2) in section 2202(19), by striking “Individ-
4 uals With” and inserting “Individuals with”; and

5 (3) in section 2210—

6 (A) in the heading for subsection (c), by
7 striking “WITH DISABILITIES” and inserting
8 “WITH DISABILITIES”; and

9 (B) in subsection (c), by striking “Individ-
10 uals With” and inserting “Individuals with”.

11 **SEC. 306. COPYRIGHT.**

12 Section 121 of title 17, United States Code, is
13 amended—

14 (1) by redesignating subsection (c) as sub-
15 section (d);

16 (2) by inserting after subsection (b) the fol-
17 lowing:

18 “(c) Notwithstanding the provisions of section 106,
19 it is not an infringement of copyright for a publisher of
20 print instructional materials for use in elementary or sec-
21 ondary schools to create and distribute to the National
22 Instructional Materials Access Center copies of the elec-
23 tronic files described in sections 612(a)(23)(C), 613(a)(6),
24 and section 674(e) of the Individuals with Disabilities
25 Education Act that contain the contents of print instruc-

1 tional materials using the National Instructional Material
2 Accessibility Standard (as defined in section 674(e)(3) of
3 that Act), if—

4 “(1) the inclusion of the contents of such print
5 instructional materials is required by any State edu-
6 cational agency or local educational agency;

7 “(2) the publisher had the right to publish such
8 print instructional materials in print formats; and

9 “(3) such copies are used solely for reproduc-
10 tion or distribution of the contents of such print in-
11 structional materials in specialized formats.”; and

12 (3) in subsection (d), as redesignated by this
13 section—

14 (A) in paragraph (2), by striking “and”
15 after the semicolon; and

16 (B) by striking paragraph (3) and insert-
17 ing the following:

18 “(3) ‘print instructional materials’ has the
19 meaning given under section 674(e)(3)(C) of the In-
20 dividuals with Disabilities Education Act; and

21 “(4) ‘specialized formats’ means—

22 “(A) braille, audio, or digital text which is
23 exclusively for use by blind or other persons
24 with disabilities; and

1 “(B) with respect to print instructional
2 materials, includes large print formats when
3 such materials are distributed exclusively for
4 use by blind or other persons with disabilities.”.